

REMARKS

Amendments to the Claims

Claims 1-12 and 14-20 are pending in the present application, with Claims 1, 8, and 17 being independent. Applicants have amended Claims 12, 14, and 15 herein. Applicants have canceled Claims 13, 21, and 22 without prejudice to or disclaimer of the subject matter recited therein. No new matter has been added.

Claim Election/Rejection

In the Office Action dated October 7, 2005, the Examiner rejected Claim 16 as allegedly being directed to an invention that is independent or distinct from the invention originally claimed. Specifically, the Examiner stated that the originally presented species of claims are directed to valuation of a real estate property, whereas Claim 16 recites a species which pertains to financing of the real estate property. The Applicants respectfully traverse the restriction.

Applicants submit that the feature of a “financing program module for creating a loan application for financing the selected real estate property, wherein the loan application includes the valuation for the selected real estate property” is related to the valuation of a real estate property as originally presented in the claims. The original specification filed by the Applicants states:

For financing services, a property owner can use a client computer, such as client 115, to request a financing quote from the property services server platform 145. In response to loan parameters specified by the owner, the property services platform 145 can complete an on-line financing application and forward the completed application to one or more lenders at the client 120. The lender can process the electronic data set associated with the completed financing application and transmit a financing quote to the owner via a distributed computing network 105. For an exemplary embodiment, the completed financing application prepared by the property services server platform 145 can include in electronic format the loan request, property-related research, property valuation, and other information selected by the user.

(See p. 13, lines 4-14). Accordingly, Applicants submit that the feature of Claim 16 is directed to the valuation of a real estate property as the feature relies on the valuation of the real estate

property. Accordingly, Applicants submit that the withdrawal of consideration of Claim 16 under 37 C.F.R. § 1.142(b) and MPEP § 821.03, should be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

In the Office Action, the Examiner rejected Claims 12-15 and 21-22 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner stated that the claims are not sufficiently precise due to the combining of two different statutory classes of invention in a single claim.

In response, Applicants have amended Claim 12, 14, and 15 to direct each of the claims to one distinct statutory class. Applicants have canceled claims 13, 21, and 22. Accordingly, Applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected Claims 12-15 and 21-22 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner stated that those claims are intended to embrace or overlap two different statutory classes of inventions as set forth in 35 U.S.C. § 101.

In response and similar to the discussion above related to the rejection under 35 U.S.C. § 112, 2nd paragraph, Applicants have amended Claims 12, 14, and 15 to direct each of the claims to one distinct statutory class. Applicants have canceled claims 13, 21, and 22. Accordingly, Applicants submit that the rejection under 35 U.S.C. § 101 should be withdrawn.

Double Patenting

In the Office Action, the Examiner objected to Claim 21 under 37 C.F.R. § 1.75 as allegedly being a substantial duplicate of Claim 12.

In response, Applicants have canceled independent Claim 21 and dependent Claim 22 that depends thereupon.

Claim Rejections Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected Claims 1-5, 15, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,414,621 to Hough (hereinafter Hough). Applicants respectfully traverse the rejections.

A. Examiner's Remarks

In his "Response to Arguments" on page 2 of the Official Action, the Examiner has stated that "the applicant argues that the user stations (100) cannot input information for valuing the property." The Examiner has mischaracterized the remarks made by the Applicants in their Response to the First Official Action on June 28, 2005. Specifically, in the Response to the First Official Action, the Applicants stated, "Other users (or user stations 100) cannot input information for valuing the subject property..." *Emphasis added*. The Applicants went on to say that, "Other users can input information for valuing a different property." *Emphasis added*. (See p. 13 of Response to First Official Action dated June 28, 2005).

Therefore, the Applicants reiterate that they are not arguing that Hough teaches a system where "user stations (100) cannot input information for valuing the property." Instead, Applicants argue that Hough teaches a system where only a single user can input assessment data and property data for valuing a specific property, while other users can input assessment data and property data for valuing a different property. Applicant respectfully requests the Examiner to reconsider his remarks.

B. Independent Claim 1

The Examiner again relied on Hough in rejecting independent Claim 1. Applicants submit that the Hough reference cited by the Examiner, either alone or in combination with another document, describes, teaches, or suggests at least the feature of "a plurality of client computers operable to access the valuation program module operating on the property management services server to input predetermined information about the selected real estate

property in support of a valuation calculation for the selected real estate property”, as presently recited in independent Claim 1.

The Hough Reference

Similarly as discussed above, Hough describes a system and method for determining comparative values of comparable properties based on assessment percentages and sales data of the comparable properties to ultimately determine a value for a subject property. In general, the system downloads property data from a multiple listing computer database 18 or receives input of property data from the user via the user station 100; identifies comparable property; computes a comparable value; and prints a final report.

When “embodied as a central mainframe database as part of a network, serving multiple remote user stations” (See col. 9, lines 34-35), Hough teaches a system wherein the assessment data and property data for valuing a selected property is either downloaded from a multiple listing computer database 18 or input by a single user via a keyboard at the remote user station 100. (See col. 10, lines 1-3). To calculate the valuation for a selected property, the remote user station 100 obtains “processing time” on a comparative computation unit 14. (See col. 9, lines 66-68).

While Hough makes it clear that multiple user stations 100 have access to the system 10 and comparative computation unit 14, Hough does not teach multiple user stations having the ability to input information for valuing a selected property. Specifically, Hough only teaches allowing the multiple user stations to input information for valuing a different property.

Accordingly, Applicants submit that Hough teaches only a single user station 100 that can input information for valuing a subject property. Applicants submit that Hough fails to teach or suggest at least the feature of “a plurality of client computers operable to access the valuation program module operating on the property management services server to input predetermined information about the selected real estate property in support of a valuation calculation for the selected real estate property,” as presently recited in independent Claim 1, as presently recited in independent Claim 1.

Summary of the Analysis for Independent Claim 1

In light of the differences between independent Claim 1 and the Hough reference, Applicants submit that Hough fails to teach or suggest at least the feature discussed above. Applicants further submit that the Official Notice cited by the Examiner, either alone or in combination, teaches or suggests at least that feature. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 1.

C. Independent Claim 17

Independent Claim 17 recites features similar to the features of Claim 1 discussed above. Specifically, Applicants submit that the Hough reference cited by the Examiner, either alone or in combination with any another documents or Official Notice, describes, teaches, or suggests at least the feature of “a plurality of client computers each operable to input predetermined information about the selected real estate property in support of a valuation calculation for the selected real estate property.” Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 17.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected Claim 5-10, 11-14, and 21-22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hough and further in view of Official Notice. Applicants respectfully traverse the rejections.

A. Independent Claim 8

The Examiner relied on Official Notice, in addition Hough, to reject independent Claim 8. Independent Claim 8 includes a feature similar to the feature discussed in detail above with reference to independent Claim 1. Specifically, independent Claim 8 recites “entering property details into a program module via a first one of a plurality of client computers” and “entering capital expenses, mortgage details, and investment details for the property into the program module via a second one of the client computers” and “determining a value for the property

based” on the data input via the plurality of client computers. Accordingly, Claim 8 recites specific data input by a plurality of computers to determine a value for the property.

Again, Hough teaches only a single user station 100 that can input data related to a specific property to determine a value of that specific property and does not teach multiple user stations 100 that can input data related to a specific property to determine a value of that specific property.

Thus, Applicants submit that Hough and the Examiner’s Official Notice, either alone or in combination, fail to teach or suggest at least the specific data for the property entered by multiple client computers to determine a value of a specific property, as presently recited in independent Claim 8.

B. Official Notice

In the Office Action, the Examiner took Official Notice of several features recited in Applicants’ claims. Applicants respectfully traverse each of those rejections. Applicants have not addressed herein each case in which the Examiner took Official Notice because Applicants submit that the features discussed herein are sufficient to distinguish the claimed invention from the documents cited by the Examiner. Applicants reserve the right to refute the Examiner’s Official Notice claims in future correspondence and have not acquiesced to those rejections.

Summary

For the reasons stated above, Applicants submit that independent Claims 1, 8, and 17 are patentable over the documents cited by the Examiner. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be patentable for similar reasons. The dependent claims also recite additional features further defining the present invention over the cited documents, and Applicants submit that the cited documents do not teach or suggest integrating those features into the presently claimed invention. Accordingly, Applicants requests separate and individual consideration of each dependent claim. Applicants have discussed only a few of the dependent claim features in detail herein.

Information Disclosure Statement ("IDS")

The Examiner did not return initialed and signed copies of Applicant's IDS submitted on May 14, 2001. Applicant timely filed that information disclosure statement prior to the first Office Action discussed herein. Accordingly, Applicant requests that the Examiner consider each of the documents cited in the IDS and return an executed copy of the IDS, indicating the Examiner's consideration of those documents. For the Examiner's convenience, Applicants have enclosed herewith a copy of the IDS.

CONCLUSION

Applicants submit the foregoing as a full and complete response to the Office Action dated October 7, 2005. Applicants submit that this Amendment and Response places the application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicants' undersigned attorney at 404.572.4647.

Respectfully submitted,



Kerry L. Broome
Reg. No. 54,004

King & Spalding LLP
45th Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303
404.572.4600